

DEPARTMENT: Superior Court Adult Probation Juvenile Court Clerk of Superior Court	DIVISION: ALL
RULE NAME: Judicial Merit Rules RULE: Definitions RULE NUMBER: 2	DATE ADOPTED: March 1, 2002 DATE AMENDED: October 20, 2003, October 30, 2003, October 27, 2010, October 10, 2014, May 29, 2015 AMENDED: June 14, 2016 AMENDED: November 5, 2018 AMENDED: February 4, 2019

RULE 2 - DEFINITIONS

The following words and phrases have these meanings in these Rules and guidelines:

- 2.01 Amendment:** A change in the existing text of the Rules, including appendices, or references to the Rules, accomplished by means of adding, deleting, or modifying any portion.
- 2.02 Appeal:** A written request filed with the Presiding Judge by a regular status employee for relief from a suspension, dismissal or reduction in force. Appeal rights are not available to employees on probation, including initial probation. (Amended October 30, 2003)
- 2.03 Applicant:** A person who has filed a formal application for employment.
- 2.04 Appointing Authority:** The officer of the Superior Court under whose appointive authority an employee holds a position within the Judicial Merit System, i.e., Judge, Clerk of Superior Court, Court Administrator, Chief Adult Probation Officer, or Director of Juvenile Court Services. Any actions that can be taken by an Appointing Authority can be taken by a designee.
- 2.05 Appointment:** The acceptance by a person of an offer of a position in a court department. (Amended October 30, 2003)
- 2.06 Armed Forces:** The United States Army, Navy, Air Force, Marine Corps, or Coast Guard.
- 2.07 Board:** The Yuma County Board of Supervisors
- 2.08 Candidate:** An applicant approved by the Yuma County Human Resources Department for participation in an examination. (Amended May 29, 2014)
- 2.09 Certification:** The referral of the names of qualified and eligible candidates by the Human Resources Department.
- 2.10 Class:** A position, or group of positions, sufficiently similar in duties and responsibilities so that the same requirements for education, experience, knowledge, ability, training,

and other qualifications may be demanded of the occupants within the class so that the same compensation schedule can be applied with equity.

- 2.11 Class Change:** The change in assignment of an employee, from one class to another class, having the same range of pay.
- 2.12 Class Specification:** The official description of the type and level of duties and responsibilities of positions assigned to a class and the necessary qualifications which a person must possess for performing those duties.
- 2.13 Classification Plan:** The orderly arrangement of positions under separate and distinct classes on the basis of current duties and responsibilities.
- 2.14 Classified Employees:** All positions in the court service except those expressly designated as unclassified.
- 2.15 Commission:** Commission on Judicial Conduct is an independent state agency. (Amended November 5, 2018)
- 2.16 Compensation:** The salary, wage, allowances, and all other forms of valuable consideration earned by or paid to an employee, except authorized reimbursement for necessary expenses incurred.
- 2.17 Compensatory Time:** Time off granted to an employee in lieu of monetary payments for overtime worked.
- 2.18 County:** Yuma County government.
- 2.19 Court:** Superior Court in Yuma County, including Adult Probation, Clerk of the Superior Court, Court Administration, and Juvenile Court.
- 2.20 Court Department:** A judicial department, unit, or division, under the control of an Appointing Authority and/or the Presiding Judge. Court departments include Adult Probation, Clerk of the Superior Court, Court Administration, and Juvenile Court.
- 2.21 Court Human Resources:** Court HR departments include Superior Court, Clerk of the Superior Court, Adult Probation, and Juvenile Court. (Amended February 25, 2016)
- 2.22 Credited Service:** The date of the beginning of credited service is the first day of the first complete pay period worked. Any period of service as an employee of a County or Court budget unit prior to a break in service shall not be counted unless the break in service was of less than two years duration and was not the result of disciplinary action. (Adopted October 27, 2010)
- 2.23 Days:** Calendar days
- 2.24 Demotion:** A change in the assignment of an employee for cause from a position in one class to a position in another class having a lower range of pay grade as a result of disciplinary action or voluntary grade decrease request. (Amended May 29, 2015)

- 2.25 Differential Pay:** A pay differential for administrative duties related to the Presiding Judge’s assignment. (Amended February 4, 2019)
- 2.26 Dismissal/Separation:** The termination of employment.
- 2.27 Disciplinary Action:** The corrective action taken by an Appointing Authority against an employee, including but is not limited to suspensions, demotions, or terminations. (Amended May 29, 2015)
- 2.28 Discrimination:** Is differing treatment of an individual, involving any term or condition of employment, based on that individual’s race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation. (Amended November 5, 2018)
- 2.29 Eligible:** A person who has attained a passing score on the examination, and/or has been screened by the Human Resources Department, and who meets minimum qualifications for a specific class.
- 2.30 Employee:** A person who is paid a wage, salary, or stipend from public funds, in accordance with official entries on a court department payroll.
- 2.31 Examination:** The evaluation process used to measure the qualifications and determine relative capabilities of applicants.
- 2.32 Exempt Employees:** Employees who are covered by the Fair Labor Standards Act (“FLSA”) but who are exempted by specific provisions of the act. Exempt Employees are distinguished from “non-covered” employees including elected officials, legal advisors and other categories discussed in the FLSA handbook, “current developments,” tabs 100-1000, at paragraphs 211 through 260.
- 2.33 Fair Labor Standards Act:** The Fair Labor Standards Act of 1938 (29 U.S.C.201-219) as amended.
- 2.34 Grievance:** A written request filed by an employee for relief from certain alleged unfair acts or conditions within the work environment.
- 2.35 Harassment:** Is a verbal or physical conduct or any form of communication that is directed at an individual because of his or her race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation and that is sufficiently severe, pervasive, or persistent to have the purpose or effect of creating a hostile environment. (Amended November 5, 2018)
- 2.36 Human Resources:** Yuma County Human Resources Department (Amended May 29, 2015)
- 2.37 Immediate Family:** Spouse, brother, sister, parent, stepparent, child, stepchild, grandparent, great-grandparent, grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law, grandparent-in-law, great-grandparent-in-law, or any member of a household domiciled in the employee’s residence, or a person serving in *loco parentis* of either an employee or their spouse. (Amended May 29, 2015)

- 2.38 Initial Probation:** One year or twelve consecutive months of employment in a court department, after completion of which an employee is a regular status employee. During initial probation, an employee may be terminated without cause and without right of appeal. (Amended October 30, 2003)
- 2.39 In Loco Parentis:** In place of a parent.
- 2.40 Job Announcement:** The official public notice of invitations to file applications to fill positions in a court department.
- 2.41 Judicial Management Team:** The Judicial Management Team consists of the Presiding Judge, Presiding Juvenile Judge, Associate Presiding Judge, Clerk of the Court, the Chief Adult Probation Officer, Director of Juvenile Court, Court Administrator, Trial Court Administrator and Court Human Resources Manager. (Amended February 21, 2007; May 29, 2015)
- 2.42 Judicial Staff:** Any employees, classified or unclassified whose primary supervisor is a judicial officer, including judges, commissioners and judges pro tempore.
- 2.43 Lateral Transfer:** A change in the job assignment of an employee from one position in a court department to another position within the same job classification, in another court department. (Amended October 30, 2003)
- 2.44 Military Leave:** The leave of absence status of an employee who leaves a position to serve in the Armed Forces of the United State or of this state in time of national or state emergency or for military training and who has the right pursuant to A.R.S. §§ 26-168, 38-297, 38-298, 38-610, relating to reinstatement after military service to return to the former position or a like position.
- 2.45 On-Call:** Temporary employment on an as needed basis, as determined by the Appointing Authority.
- 2.46 Pay Plan:** Policies, procedures and a schedule of numbered salary ranges utilized to administer and assign an appropriate salary range to each class. The pay plan is attached hereto as part of the Judicial Compensation Policy and Procedure, Appendix B.
- 2.47 Personal Necessity Leave:** Up to 20 hours of an employee's sick leave bank which can be used each calendar year for other than sick leave purposes. This leave may be used for any reason subject to the provisions in the applicable rule. (Adopted January 1, 2011)
- 2.48 Position:** A specific employment, whether occupied or vacant, involving duties requiring the services of one person.
- 2.49 Presiding Judge:** The Presiding Judge of Superior Court in Yuma County, except when any rule or guideline applies to an employee in the Juvenile Court Department in which case Presiding Judge refers to the Presiding Judge of Juvenile Court.
- 2.50 Probation:** A specified period of employment following appointment, transfer, promotion or demotion which is part of the examination process during which time the work performance of an employee is evaluated. (Amended October 30, 2003)

- 2.51 Probationary Employee:** An employee who is serving any term of probation, including initial probation. During the term of probation, an employee may be terminated without cause and without right of appeal. (Amended October 30, 2003)
- 2.52 Promotion:** A change in the assignment of an employee from a position in one class to a position in another class having a higher rate of pay.
- 2.53 Promotional Probation:** An employee who is promoted will serve a promotional probation period of twelve (12) months in the new position.
- 2.54 Reasonable Suspicion:** is a belief based on specific objective facts and reasonable inferences drawn from those facts.
- 2.55 Reassignment:** A change in the assignment of an employee from one position to another position of the same class under the same Appointing Authority.
- 2.56 Reclassification:** Changing the classification of an existing position when a material, substantial, and permanent change in the duties or responsibilities of the position occurs.
- 2.57 Reduction In Force (RIF):** The separation of an employee for reasons of shortage of funds or work, or by reason of a bona fide abolishment of a position, change in duties of the position, or reorganization within a court department.
- 2.58 Register:** An official list of eligible candidates for a particular class, compiled by the Yuma County Human Resources Department, which shall be used by the Appointing Authority for selection to classified positions in court departments. (Amended May 29, 2015)
- 2.59 Regular Status:** The status an employee achieves when the employee is retained in a position as a classified employee after successful completion of initial probation, or any period of probation. (Amended October 20, 2003)
- 2.60 Reinstatement:** The return to a court department (within a two year period) of a former employee who resigned in good standing from a classified position in a court or county department. (Amended October 27, 2010)
- 2.61 Retaliation:** Is an adverse action (e.g., termination, denial of promotion, refusal to hire, unjustified discipline or evaluation, etc.) taken against an individual to deter protected activity or for engaging in protected activity. (Amended November 5, 2018)
- 2.62 Salary Adjustment:** All regular status employees and part-time employees who are eligible pursuant to the Judicial Merit Rules are eligible for salary adjustments approved by the Yuma County Board of Supervisors including but not limited to cost of living adjustments, open range adjustments, equity adjustments or merit adjustments. (Amended June 14, 2016)
- 2.63 Sexual Harassment:** Unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, other verbal or physical conduct or any other form of communication of a sexual nature. (Adopted November 5, 2018)

- 2.64 Suspension:** The temporary separation of an employee from a position for disciplinary reasons.
- 2.65 Temporary Appointment:** Appointment to a position to meet a temporary program need with a specified duration.
- 2.66 Transfer:** A change in the job assignment of an employee from a position in a court department to another position, in another court or county department. (Amended October 30, 2003; Amended October 27, 2010)
- 2.67 Unclassified Employees:** Court Administrator, Director of Juvenile Court Services, Chief Adult Probation Officer, Chief Deputy Clerk of the Superior Court, Superior Court Judge Pro Tempore and Commissioners (including Juvenile Court), and others designated by the Presiding Judge.
- 2.68 Underfill:** The filling of a vacancy by appointment of a person to a position in a Class which is assigned a salary range lower than the salary range of the vacant authorized position.
- 2.69 Veteran:** any person separated from active duty in the armed forces of the United States (Army, Navy, Marine Corps or Coast Guard) under honorable conditions following more than six months of active duty.
- 2.70 Workplace:** Any location where a judge or an employee is present due to court employment; including locations outside the courthouse or court office, travel to and from those locations, and court sponsored events. (Amended November 5, 2018)